

REMARKS/ARGUMENTS

Pending claims 1-18, 32-34 and 36-38 stand rejected under 35 U.S.C. § 102(b) over U.S. Patent No. 6,052,600 (Fette). Applicant respectfully traverses the rejection.

With regard to amended claim 1, Fette does not disclose a storage unit having first and second portions, where the second portion is a protected region. Nor does Fette disclose that a configuration application is stored in this second portion.

Furthermore, Fette does not disclose that this configuration application is executed by a control unit to determine whether configuration of a portable device is desired. In this regard, the Office Action refers to column 2, lines 34-45 and Fig. 3 of Fette to support this contention. However, neither these portions nor any other portion of Fette disclose that a control unit executes a configuration application to determine whether a configuration of the portable device is desired. Instead, Fette merely discloses that a radio may send a request for information through a base station to a server. Thus, nowhere does Fette disclose a control unit to execute a configuration application to determine whether configuration of a portable device is desired.

For at least these reasons, claim 1 and claims 2-7 and 32-34 depending therefrom are patentable.

Amended claim 8 is patentable over Fette as nowhere does Fette disclose detecting a malfunction of a portable device and determining if configuration of the portable device is desired based on the determination. For at least this reason, claim 8 and claims 9-12 and 36-40 depending therefrom are patentable.


Independent claim 13 is patentable over Fette, at least because Fette nowhere discloses receiving an indication from a base station that the base station detected a malfunction of a portable device. Accordingly, claims 13-18 are patentable over Fette.

Claim 35 was rejected under 35 U.S.C. §103(a) over Fette in view of U.S. Patent No. 6,643,506 (Criss). Applicant respectfully traverses the rejection. With regard to claim 35, neither Fette nor Criss teach or suggest that a base station detects a problem with a portable device and if found, provides an indication to the portable device. In this regard the Office Action concedes that Fette does not teach or suggest such detecting. Nor does Criss, as Criss instead is directed to determining an upgrade status of a portable device. Nowhere does Criss teach or suggest detecting problems in a portable device. Accordingly, claim 35 is patentable over the proposed combination.

The application is believed to be in condition for allowance and the Examiner's prompt action in accordance therewith is respectfully requested. The Commissioner is authorized to charge any additional fees or credit any overpayment to Deposit Account No. 20-1504.

Respectfully submitted,

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